



June 10, 2021

WVCCA Resolution Opposing the Passage of H.R. 1 & S. 1

WHEREAS, the United States Constitution recognizes the authority of the legislatures of each State to regulate the times, places, and manner of holding federal elections; and

WHEREAS, election administrators and county officials were not given an opportunity to provide input on the drafting of H.R. 1 and S. 1 prior to the introduction of the legislation, unlike previous bipartisan federal election reforms; and

WHEREAS, H.R. 1 and S. 1 preempt state law that currently restricts ballot harvesting for the prevention of fraud, by expressly providing that states “may not put any limit on how many voted and sealed absentee ballots any designated person can return to the post office, a ballot drop-off location, tribally designated building, or election office”; and

WHEREAS, H.R. 1 and S. 1 preempt state law by mandating same-day registration, regardless of the severe lack of internet service and broadband in rural areas: an impossible feat in West Virginia; and

WHEREAS, Same-day registration provisions in H.R. 1 and S. 1 lack proper security protections, multiplied by the lack of internet capability in polling locations in West Virginia, which undermines the integrity of our elections by making it impossible for election officials to confirm any new voter’s eligibility prior to them casting any ballot or from guaranteeing that no voter both registers and votes more than once in an election on Election Day; and

WHEREAS, H.R. 1 and S. 1 preempt state law by prohibiting requirements for physical proofs of identification for regular in-person and absentee voters, and requiring states to accept just a voter’s signature affidavit as proof of eligibility and proper registration; and

WHEREAS, H.R. 1 and S. 1 preempt state law and adoption of voting systems by requiring decertification of current, federally certified voting systems, and forcing states to purchase new voting equipment—none of which currently comport with the most recently adopted voluntary voting system guidelines (adopted Feb. 2021 by EAC)—wasting millions of dollars in recent upgrades purchased with HAVA funding across West Virginia and requiring new manufacturing by vendors and purchases by counties to the tune of tens of millions of dollars in WV alone; and

WHEREAS, H.R. 1 and S. 1 creates multiple so-called “private rights of action” that would lead to election administrators being targeted for lawsuits all across the country for both real and imagined violations, and causing county clerks to spend more time defending themselves in court than preparing to make sure that elections are run smoothly and securely; and

WHEREAS, H.R. 1 and S. 1 places dozens of additional mandates on county clerks while providing no ongoing operational funding to fulfill the requirements, causing potential cuts in county budgets to law enforcement and public safety; and

WHEREAS, H.R. 1 and S. 1 preempt state law by forcing county clerks to accept regular—not provisional—ballots of voters who vote in the incorrect precinct, without sufficient evidence of eligibility or proof of residence; and

WHEREAS, H.R. 1 fatally contradicts the reliability and security of electronic transmission by permitting voters to cure signature deficiencies electronically (see Sec. 1621) but prohibiting UOCAVA, voters living with disabilities, and first responders called away for service from transmitting absentee ballots securely using extensively tested procedures and methods; and

WHEREAS, H.R. 1 and S. 1 lump dozens of state agencies and educational institutions into “voter registration agencies,” and requires them to integrate into an automatic voter registration system without regard to current systems, data collection practices, or security creating more opportunities for voters’ registrations to be mishandled and mistransmitted, and likely resulting in security lapses for agencies currently not covered under the Critical Infrastructure designation of the Department of Homeland Security; and

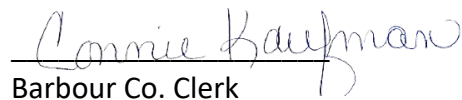
WHEREAS, H.R. 1 and S. 1 preempt state law by mandating new dates for the early in-person voting period without regard to state-specific success and voter participation under current election calendars; and

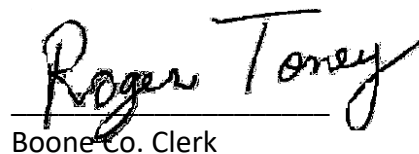
WHEREAS, H.R. 1 and S. 1 preempt state law by requiring absentee ballot drop boxes and increasing security concerns for absentee ballots that currently do not exist under state laws.

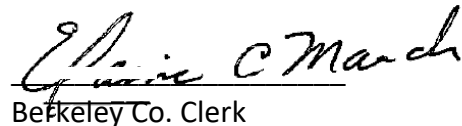
NOW, THEREFORE, BE IT RESOLVED, that the West Virginia County Clerk’s Association opposes the passage of H.R. 1, S. 1, or any other legislation that impedes the state’s ability to administer elections in an overreaching, one-size-fits-all approach out of Washington D.C.

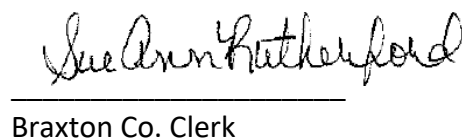
Adopted the 10th day of June, 2021
in Canaan Valley, WV

EXPIRES: June 2026


Barbour Co. Clerk

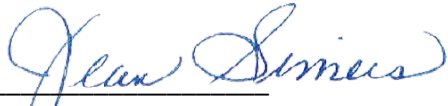

Boone Co. Clerk


Berkeley Co. Clerk

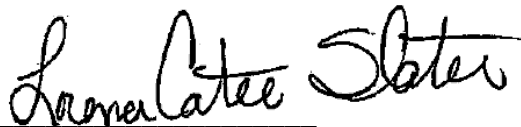

Braxton Co. Clerk



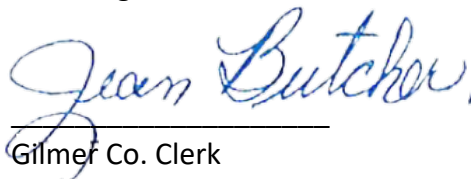
Brooke Co. Clerk



Calhoun Co. Clerk



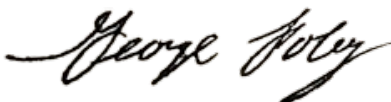
Doddridge Co. Clerk



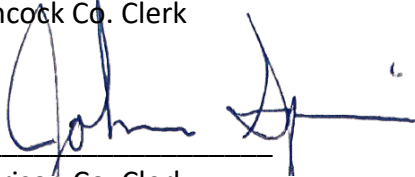
Gilmer Co. Clerk



Greenbrier Co. Clerk



Hancock Co. Clerk



Harrison Co. Clerk



Jefferson Co. Clerk



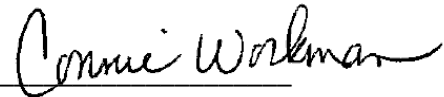
Lewis Co. Clerk



Logan Co. Clerk



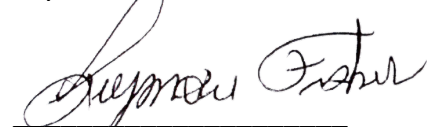
Cabell Co. Clerk



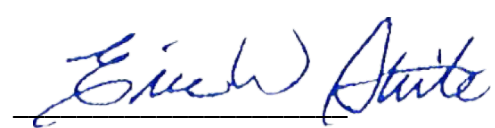
Clay Co. Clerk



Fayette Co. Clerk



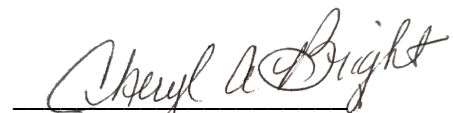
Grant Co. Clerk



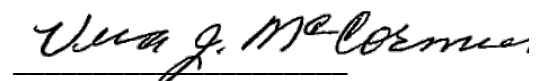
Hampshire Co. Clerk



Hardy Co. Clerk



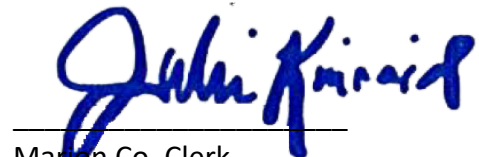
Jackson Co. Clerk



Kanawha Co. Clerk



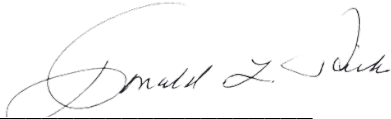
Lincoln Co. Clerk



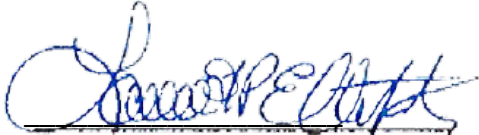
Marion Co. Clerk



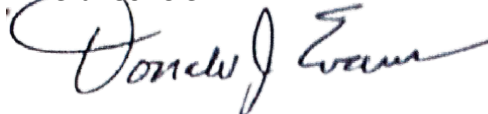
Marshall Co. Clerk



McDowell Co. Clerk



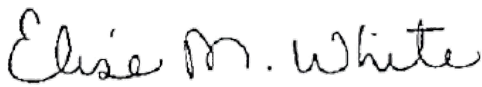
Mineral Co. Clerk



Monroe Co. Clerk



Nicholas Co. Clerk



Pendleton Co. Clerk



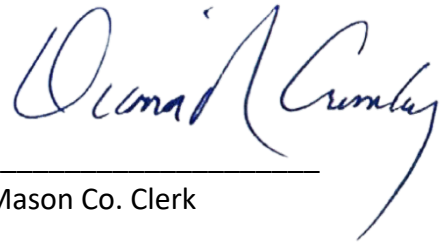
Pocahontas Co. Clerk



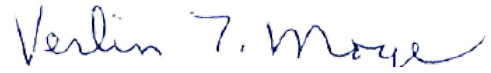
Putnam Co. Clerk



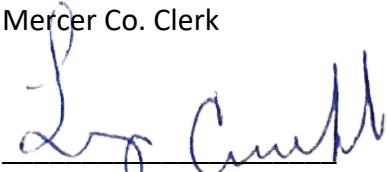
Randolph Co. Clerk



Mason Co. Clerk



Mercer Co. Clerk



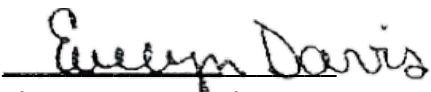
Mingo Co. Clerk



Morgan Co. Clerk



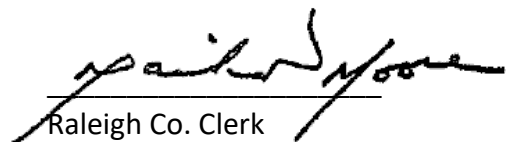
Ohio Co. Clerk



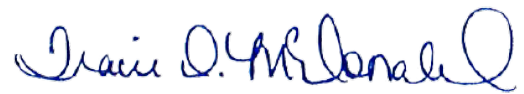
Pleasants Co. Clerk




Preston Co. Clerk




Raleigh Co. Clerk



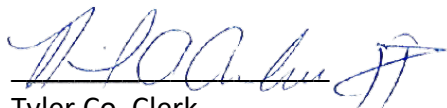
Ritchie Co. Clerk



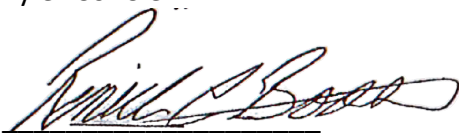
Roane Co. Clerk



Taylor Co. Clerk



Tyler Co. Clerk



Wayne Co. Clerk



Wetzel Co. Clerk



Wood Co. Clerk



Summers Co. Clerk



Tucker Co. Clerk



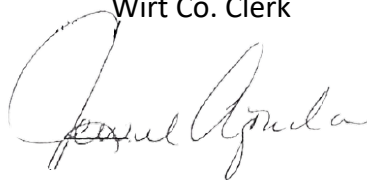
Upshur Co. Clerk



Webster Co. Clerk



Wirt Co. Clerk



Wyoming Co. Clerk